

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
CONNECTICUT; STATE OF MARYLAND;
STATE OF NEW JERSEY; STATE OF NEW
YORK; STATE OF OREGON;
COMMONWEALTH OF
MASSACHUSETTS; COMMONWEALTH
OF PENNSYLVANIA; DISTRICT OF
COLUMBIA; STATE OF CALIFORNIA;
STATE OF COLORADO; STATE OF
DELAWARE; STATE OF HAWAII; STATE
OF ILLINOIS; STATE OF IOWA; STATE
OF MINNESOTA; STATE OF NORTH
CAROLINA; STATE OF RHODE ISLAND;
STATE OF VERMONT; and
COMMONWEALTH OF VIRGINIA.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE; MICHAEL R. POMPEO, in his
official capacity as Secretary of State;
DIRECTORATE OF DEFENSE TRADE
CONTROLS; MIKE MILLER, in his official
capacity as Acting Deputy Assistant Secretary
of Defense Trade Controls; SARAH
HEIDEMA, in her official capacity as Director
of Policy, Office of Defense Trade Controls
Policy; DEFENSE DISTRIBUTED; SECOND
AMENDMENT FOUNDATION, INC.; AND
CONN WILLIAMSON,

Defendants.

NO. 2:18-cv-01115-RSL

SECOND DECLARATION OF
JENNIFER D. WILLIAMS IN SUPPORT
OF PLAINTIFF STATES' MOTION FOR
SUMMARY JUDGMENT

1 I, Jennifer D. Williams, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of all the facts stated herein.

3 2. I am a Paralegal with the Washington State Attorney General's Office, which
4 represents the State of Washington in this matter.

5 3. I was responsible for coordinating a comprehensive review by attorneys in our
6 office of the Revised Second Supplement to Administrative Record filed by the Federal
7 Defendants in this matter (Dkt. # 184). I also reviewed parts of the record. We used document
8 review software and a tagging system to analyze the record.

9 4. Based on the results of our review, the Revised Second Supplement to the
10 Administrative Record comprises the following documents, which are labeled with Bates
11 numbers CWASHAR0000001–2905 and WASHAR0000001–37074:

- 12 1. Approximately 469 emails to the State Department regarding the planned
13 deregulation of 3D-printable gun files, of which 466 were opposed, three
14 were neutral, and none supported the move ([CWASHAR0002348-49
(rev. suppAR); WASHAR0000915; WASHAR0002369-70; 0003040-41;
WASHAR0036607-37074)];¹
- 15 2. 2 letters to the State Department regarding the planned deregulation of
16 3D-printable gun files, both in opposition (WASHAR0001810-44;
WASHAR0002386-2410).
- 17 3. Two letters—one from Representative Engel and one from Senator
18 Menendez—to State Department personnel opposing the Department's
19 planned deregulation of 3D-printable guns (produced multiple times)
(CWASHAR0000361-362; CWASHAR0002362-63);
- 20 4. A letter from senators to Attorney General Jeff Sessions opposing the
21 *Defense Distributed* settlement agreement to deregulate 3D-printable gun
22 files (CWASHAR0002364-65);
- 23 5. Approximately 155 communications related to the *Defense Distributed*
24 settlement, consisting primarily of internal communications related to

¹ The Revised Second Supplement includes four sample emails received from visitors to Everytown.org. WASHAR0037071–74. It also includes a "Summary of Duplicative Materials," indicating that the Federal Defendants received a total of 105,555 of these emails. WASHAR0037069. The States agreed that the 105,555 emails referenced in this Summary could be incorporated into the administrative record by reference.

implementing the settlement agreement (CWASHAR0000014-19; 0000021-22; 0000028; 0000031; 0000041-53; 0001722-46; 0001749-71; 0002366; 0002368; 0002369-73; 0002376-79; 0002385-91; 0002407-09; and WASHAR0000018-31; 0000033-48; 0000207-10; 0000237; 0000297-319; 0000335-49; 0000351-63; 0000388; 0000569; 0000668-70; 0000685-89; 0001085-87; 0001147-49; 0001659; 0001749-52; 0002020-23; 0002039-48; 0002079-80; 0002091-93; 0002123-27; 0002299; 0002304; 0002468-71; 0002482-84; 0002525; 0002536-40; 0002556-66; 0002574; 0002577; 0002659; 0002768-71; 0002775-76; 0002778; 0002786; 0002789; 0002824-27; 0002832-34; 0002835-36; 0002842-43; 0002912-14; 0002933-55; 0002958-59; 0002971-72; 0002981-82; 0003009-10; 0003025; 0003240-44; 0003419-21; 0003436-38; 0003441-51; 0003465-66; 0003474-76; 0035583; 0035586-90; 0035596; 0035603; 0035613; 0035645-49; 0035659-61; 0035667-72; 0035685-87; 0035690-92; 0035715; 0035734; 0035777-78; 0035798-800; 0035868-71; 0035897; 0035904-06; 0035969; 0036040; 0036052-54; 0036079-87; 0036148-50; 0036154-62; 0036186-87; 0036216; 0036237-41; 0036370-73; 0036558-71; 0036584-90);

6. Approximately 44 pleadings from the *Defense Distributed* lawsuit (WASHAR0000001-7; 0000059-128; 0000320-34; 0000372-77; 0000390-557; 0000570-72; 0000596-650; 0000690-704; 0001660-74; 0001753-67; 0002155-224; 0002305-06; 0002541-55; 0003152-206; 0003208-21);

7. Approximately 298 press clippings, newsletters, media alerts, and the like (CWASHAR0000054-369; 0000363-411; 0000415-590; 0000615-1208; 0001214-1721; 0001747-48; 0001772-2121; 0002147-2327; 0002343-47; 0002350-54; 0002357-61 and WASHAR0000055-58; 0000147-51; 0000232-36; 0000364; 0000367-70; 0000666-67; 0001112; 0001171-72; 0001688-1703 (rev. suppAR 0001691-703); 0001790-95; 0001804-09; 0002136-54; 0002243-92; 0002294-98; 0002315-20; 0002358-59; 0002371-74; 0002473-78; 0002570-71 (rev. suppAR); 0002583-2658; 0002660-65; 0002767; 0002772-74; 0002790-94; 0002803; 0002817-21; 0002897-911; 0003012-21; 0003028-31; 0003068-75; 0003119-51; 0003247-418; 0003439-40; 0003452-64; 0003467-83; 0035610; 0035626-28; 0035632-40; 0035654-58; 0035673-74; 0035680-84; 00035688-89; 0035696-99; 0035712-14; 0035717-19; 0035740-55; 0035759-61; 0035773-76; 0035779-97; 0035801-67; 0035872-74; 0035898-903; 0035907-68; 0035970-36031; 0036044-51; 0036055-78; 0036088-89; 0036095-36147; 0036163-71; 0036178-85; 0036188-90; 0036195-36211; 0036214-15; 0036228; 0036247-68; 0036271-77; 0036280-302; 0036305-23; 0036327-69; 0036374-91; 0036397-449; 0036451-55; 0036463-503; 0036506-27; 0036532-56; 0036572-83; 0036600-03); and

8. Approximately 267 miscellaneous documents.

5. The Federal Defendants' record certifications and privilege logs indicate that they

1 withheld approximately 3,246 documents. These include multiple copies of drafts of the
2 proposed State Department and Commerce Department rules that were published as NPRMs in
3 March 2018 and internal State Department communications.

4 6. According to the Declaration of Michael F. Miller filed by the Federal
5 Defendants, the State Department received 3,250 comments on their NPRM. Dkt. # 179-2 at ¶ 3.
6 To date, they have only produced approximately 3,191 of those comments in this litigation.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 DATED this 24th day of May, 2019.

9 
10 JENNIFER D. WILLIAMS